

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

DWAYNE BACON,

Plaintiff,

v.

CIVIL ACTION NO. 1:20-00343

C. MARUKA, ET AL.,

Defendants.

MEMORANDUM OPINION AND ORDER

By Standing Order, this action was referred to United States Magistrate Judge Omar J. Aboulhosn for submission of findings and recommendation regarding disposition pursuant to 28 U.S.C. § 636(b)(1)(B). Magistrate Judge Aboulhosn submitted to the court his Proposed Findings and Recommendation ("PF&R") on December 1, 2020, in which he recommended that the court dismiss plaintiff's amended complaint (ECF No. 6) without prejudice, deny as moot plaintiff's letter-form motion to voluntarily dismiss (ECF No. 4), and remove this matter from the court's docket. (ECF No. 17.)

In accordance with the provisions of 28 U.S.C. § 636(b), plaintiff was allotted fourteen days and three mailing days in which to file objections to the PF&R. The failure of any party to file such objections within the time allowed constitutes a waiver of such party's right to a de novo review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989). Plaintiff

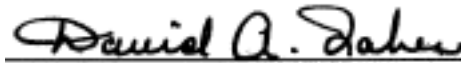
failed to file objections to the PF&R within the required time period.¹ Accordingly, the court adopts the Findings and Recommendation of Magistrate Judge Aboulhosn as follows:

1. Plaintiff's amended complaint (ECF No. 6) is **DISMISSED** without prejudice;
2. Plaintiff's letter-form motion to voluntarily dismiss (ECF No. 4) is **DENIED** as moot; and
3. The Clerk is directed to remove this case from the court's active docket.

The Clerk is further directed to send a copy of this Memorandum Opinion and Order to counsel of record and any unrepresented parties.

IT IS SO ORDERED this 26th day of March, 2021.

ENTER:

A handwritten signature in black ink, appearing to read "David A. Faber", is written over a horizontal line.

David A. Faber
Senior United States District Judge

¹ On January 15, 2021, plaintiff, acting pro se, filed a motion seeking an extension of time to file objections to the PF&R. On February 19, 2021, the court granted plaintiff's motion and gave him until March 15, 2021, to file objections. To date, plaintiff has not filed objections.